

AN ORDINANCE 2006-02-09-0206

**AMENDING THE OFFICIAL ZONING MAP OF THE CITY
OF SAN ANTONIO BY AMENDING CHAPTER 35, UNIFIED
DEVELOPMENT CODE, SECTION 35-304, OFFICIAL
ZONING MAP OF THE CITY CODE OF SAN ANTONIO,
TEXAS BY CHANGING THE ZONING DISTRICT
BOUNDARY OF CERTAIN PROPERTY.**

* * * * *

WHEREAS, a public hearing was held regarding this amendment to the Official Zoning Map at which time parties in interest and citizens were given an opportunity to be heard; and

WHEREAS, the Zoning Commission has submitted a final report to the City Council regarding this amendment to the Official Zoning Map of the City of San Antonio; **NOW THEREFORE**,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:

SECTION 1. Chapter 35, Unified Development Code, Section 35-304, Official Zoning Map, of the City Code of San Antonio, Texas is amended by changing the zoning district boundary of P-10, NCB 19219 from PUD "R-6 ERZD" Planned Unit Development Residential Single-Family Edwards Recharge Zone District to "MF-33 ERZD" Multi-Family Edwards Recharge Zone District.

SECTION 2. This change of zoning district boundary is conditioned on the requirement that the impervious cover on the property described by this ordinance shall not exceed 30%.

SECTION 3. The owner or owner's agent shall inform any person leasing this tract or any portion of this tract that storage of chemicals and/or hazardous materials is not permitted. Provisions prohibiting the storage of chemicals and/or hazardous materials shall be included in the lease agreement. The owner or owner's agent shall provide a copy of the of the lease provisions regarding the storage of chemicals and/or hazardous materials to the Aquifer Protection and Evaluation Section of the San Antonio Water System for approval. The Aquifer Protection and Evaluation Section of the San Antonio Water System may randomly inspect, without notice, any or all facilities on the site to ensure compliance with this ordinance.

SECTION 4. All water pollution abatement structures or features approved by the Texas Commission on Environmental Quality shall be properly maintained and kept free of trash and debris. A water quality maintenance plan and schedule agreement signed by the property owner must be submitted to the Resource Protection Division of SAWS. If at any time the ownership of the property changes, the seller must disclose to the buyer all the requirements of the water quality maintenance plan. A water quality maintenance plan signed by the new owner must be submitted to the Resource Protection Division of SAWS.

SECTION 5. Landscaped areas shall be sensitive to minimizing water needs, i.e., use of native plants. Each purchaser of an individual lot or tenant within this development shall be informed by the seller or lessor in writing about Best Management Practices (BMP) for pesticide and fertilizer application. Preventing Groundwater Pollution, A Practical Guide to Pest Control, available from the Edwards Aquifer Authority (210/222-2204), or equivalent information produced by the U.S. Natural Resource Conservation Service, the Texas Department of Agriculture, or the U.S. Department of Agriculture shall be used.

SECTION 6. All other provisions of Chapter 35 except those expressly amended by this ordinance shall remain in full force and effect including the penalties for violations as made and provided for in Section 35-491.

SECTION 7. The Director of Development Services shall change the zoning records and maps in accordance with this ordinance and the same shall be available and open to the public for inspection.

SECTION 8. If a court of competent jurisdiction enters a final judgment on the merits that is no longer subject to appeal and substantially limits or impairs the essential elements of sections one through five of this ordinance, then sections one through five are invalid and have no legal effect as of the date of entry of such judgment notwithstanding any other ordinance or provision of the City Code of San Antonio.

SECTION 9. This ordinance shall become effective on February 19, 2006.

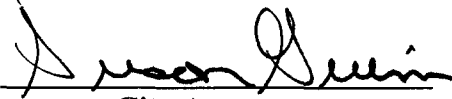
PASSED AND APPROVED this 9th day of February, 2006.

ATTEST:


City Clerk


M A Y O R
PHIL HARDBERGER

APPROVED AS TO FORM:


for City Attorney

Agenda Voting Results

Name: Z-13.

Date: 02/09/06

Time: 02:34:34 PM

Vote Type: Multiple selection

Description: ZONING CASE #Z2005231 (District 9): An Ordinance amending the zoning district boundary from PUD "R-6 ERZD" Planned Unit Development Residential Single-Family Edwards Recharge Zone District to "MF-33 ERZD" Multi-Family Edwards Recharge Zone District on Lot P-10, NCB 19219, 1600 Block of Evans Road as requested by Brown, P. C., Attorneys at Law, Applicant, for Big Spring, Ltd., Owner(s). Staff and Zoning Commission recommend approval with SAWS recommendations and Site Specific Conditions.

Voter	Group	Status	Yes	No	Abstain
ROGER O. FLORES	DISTRICT 1	Not present			
SHEILA D. MCNEIL	DISTRICT 2		x		
ROLAND GUTIERREZ	DISTRICT 3		x		
RICHARD PEREZ	DISTRICT 4		x		
PATTI RADLE	DISTRICT 5			x	
DELICIA HERRERA	DISTRICT 6			x	
ELENA K. GUAJARDO	DISTRICT 7			x	
ART A. HALL	DISTRICT 8		x		
KEVIN A. WOLFF	DISTRICT 9		x		
CHIP HAASS	DISTRICT_10		x		
MAYOR PHIL HARDBERGER	MAYOR		x		

CASE NO: Z2005231

Staff and Zoning Commission Recommendation - City Council

Date: February 09, 2006

Zoning Commission Meeting Date: January 17, 2006

Council District: 9 **Ferguson Map:** 483 B6

Applicant: **Owner:**

Brown, P. C., Attorneys at Law Big Springs, Ltd.

Zoning Request: From PUD "R-6 ERZD" Planned Unit Development Residential Single-Family Edwards Recharge Zone District to "MF-33 ERZD" Multi-Family Edwards Recharge Zone District

P-10, NCB 19219

Property Location: 1600 Block of Evans Road

West of the intersection of 281 North and Evans Road

Proposal: Proposing multi-family use

Neighborhood Association Stone Oak Property Owner's Association and Big Spring Neighborhood Association

Neighborhood Plan: None

Traffic Impact Analysis:

A Traffic Impact Analysis is not required.

Staff Recommendation:

Approval

The subject property is currently vacant and located west of the intersection of two major thoroughfares, Evans Road and 281. The property to the east is an established single-family residential development. The properties to the north, south and west are currently vacant and zoned for residential to the south and west, and commercial to the north.

This property is better suited for multi-family development due to the size of the property. Furthermore, it will serve as a transition between the residential development to the east and the drainage to the west.

SAWS Summary:

1. SAWS recommends approval of the proposed land use.
2. A category determination has not been submitted. Until such time the property is classified as a Category 2 property.
3. SAWS recommends that the impervious cover on the site shall not exceed 30%.

Zoning Commission Recommendation:

Approval with SAWS Recommendations and Site Specific Conditions

CASE MANAGER : Robin Stover 207-7945

VOTE

FOR	10
AGAINST	0
ABSTAIN	0
RECUSAL	0

Z2005231

ZONING CASE NO. Z2005231 – January 17, 2006

Applicant: Brown, P.C.

Zoning Request: PUD "R-6" ERZD Planned Unit Development Residential Single
Family Edwards Recharge Zone District to "MF-33 ERZD" Multi-
Family Edwards Recharge Zone District.

Ken Brown, 112 E. Pecan, representing the owner, stated their intent is to work with Sitterle Homes to develop jointly the two tracts as a townhome project. He stated the 7-acre tract that abuts the east of the subject property which abuts the neighborhood association, it is a very steep slope property; will be used as a buffer. He further stated this property is a category 1 which can be developed at 100% impervious cover however they are in agreement with SAWS recommendation is at 30% impervious cover.

Staff stated there were 7 notices mailed out to the surrounding property owners, 0 returned in opposition and 2 returned in favor and no response from Stone Oak Property Owner's and Big Spring Neighborhood Association.

Everyone present, for and against having been heard and the results of the written notices having been received, the Chairman declared the public hearing closed.

COMMISSION ACTION

The motion was made by Commissioner McAden and seconded by Commissioner Robbins to recommend approval and with SAWS conditions:

SAWS recommendations:

1. SAWS recommends approval of the proposed land use.
 2. A category determination has not been submitted. Until such time the property is classified as a Category 2 property.
 3. SAWS recommends that the impervious cover on the site shall not exceed 30%.
-
1. Property is located on P-10, NCB 19219 at 1600 Block of Evans Road.
 2. There were 7 notices mailed, 0 returned in opposition and 2 in favor.
 3. Staff recommends approval.

**AYES: Martinez, Robbins, Rodriguez, Kissling, Marshall, Sherrill, McAden, Avila,
Stribling, Gray**

NAYS: None

THE MOTION CARRIED

Z2005231

RESULTS OF NOTICE FOR COUNCIL HEARING

To be provided at Council hearing.

**SAN ANTONIO WATER SYSTEM
Interdepartment Correspondence Sheet**

WATER SERVICES

To: Zoning Commission Members

2005 OCT -6 A 11:41

From: Kirk M. Nixon, Manager, Resource Protection Division, San Antonio Water System

Copies To: Scott R. Halty, Director, Resource Protection & Compliance Department, Julia I. Mireles, P.E., Mike Barr, Resource Protection Specialist II, Aquifer Protection & Evaluation Section, File

Subject: Zoning Case Z2005231 (Big Springs)

Date: October 4, 2005

SUMMARY

A request for a change in zoning has been made for an approximate 3.886-acre tract located on the city's north side. A change in zoning from **R-6 PUD ERZD** to **MF-33 ERZD** is being requested by the applicant, Brown, P.C., by Mr. Kenneth W. Brown. The change in zoning has been requested to allow a multi-family development.

As of the date of this report, an official request for a site specific category determination or an official request for a "substantial alteration" determination has not been received by the Aquifer Protection & Evaluation Division. Based on the information provided, this property is a Category 2 property and shall be developed in accordance with all the provisions stated in Ordinance No. 81491 governing development on the Edwards Aquifer Recharge Zone. However, if the appropriate information is provided to the Aquifer Protection & Evaluation Section, this property may be determined to be a Category 1 property. If the property is determined to be a Category 1 property, staff recommends that the owner/operator use criteria outlined in Section 34-970 "Best Management Practices".

Based on the site evaluation of the property, and the information submitted by the applicant, SAWS staff recommends **approval** of the proposed land use. Should the city council rezone the property that is the subject of this report, the San Antonio Water System recommends that any development on that property after the zoning classification has been changed should be restricted as stated in the environmental recommendations section of this report.

LOCATION

The subject property is located in City Council District 9, on Evans Road, near the intersection of Evans Road and Evans Springs. The property lies within the Edwards Aquifer Recharge Zone (Figures 1 and 2).

SITE EVALUATION

1. Development Description:

The proposed change is from **R-6 PUD ERZD** to **MF-33 ERZD** and will allow for the construction of a multi-family development. The property lies within the Edwards Aquifer Recharge Zone (Figures 1 and 2).

2. Surrounding Land Uses:

An undeveloped lot is east, west, and north of the property. Evans Road bound the southern boundary.

3. Water Pollution Abatement Plan:

As of the date of this report, a WPAP has not been submitted to the Texas Commission on Environmental Quality (TCEQ). A WPAP will be required to be submitted to and approved by the TCEQ prior to commencement of construction.

4. Geologic Features:

The Resource Protection Division of the San Antonio Water System conducted a field observation on September 19, 2005 of the referenced property to assess the geologic conditions and evaluate any environmental concerns present at the site. SAWS staff Geologist, Mr. Gregory James, P.G., was present during the site evaluation and observed no sensitive recharge features on the site. Using U.S. Geological Survey Water-Resources Investigations Report 95-4030 it was determined that the subject site was underlain by the Dolomitic Member of the Edwards Aquifer. This was verified during a site investigation by observing the extensive outcropping of bedrock on the eastern portion of the project. The Dolomitic Member is characterized by cavern development along bedding planes and structural features. It is generally 110 to 130 feet thick in full section.¹ There is a creek way adjacent to the southern boundary of the property. According to FEMA Flood Insurance Maps, no part of the subject property is within the 100 – year floodplain.

ENVIRONMENTAL CONCERNS

The environmental concerns associated with this development being constructed on the Edwards Aquifer Recharge Zone are:

1. Standard Pollution/Abatement Concerns:

- A. There is a creek way adjacent along the southern boundary of the property where recharge may occur.
- B. The improper use of pesticides, herbicides, or fertilizers needed for landscape maintenance that may be carried off in the first flush of stormwater run-off.

¹ William G. Stein and George B. Ozuna, U.S. Geological Survey Water Resources Investigations Report 95 - 4030, Austin, TX, 1996, p. 7

- C. The build-up of hydrocarbons and other pollutants on streets, parking lots and other paved areas that are then carried off in the first flush of stormwater run-off.

ENVIRONMENTAL RECOMMENDATIONS

The following recommendations address the environmental concerns raised by the construction of this development on the Edwards Aquifer Recharge Zone:

Site Specific

1. The impervious cover shall not exceed 30% on the site.
2. A floodplain buffer shall be provided along the southwest portion of the property as required in Ordinance No. 81491, Section 34-913.
3. The land uses within the zoned areas shall be in conformance with the table of permitted uses at the time the re-zoning is approved. Should a proposed use be listed as requiring City Council approval, the owner/operator shall apply for re-zoning for that particular use at that site. If the land use is listed as special use, a special permit must be obtained for that use. If the land use is listed as prohibited, that land use will not be permitted on that site.
4. The owner of all water pollution abatement structures shall be responsible for properly maintaining the basin and that it is kept free of trash and debris. A signed water quality maintenance plan must be submitted to the Resource Protection Division of SAWS. If at any time the ownership of the property changes, the seller must disclose to the buyer all the requirements of the water quality maintenance plan. The new owner must submit a signed water quality maintenance plan to the Resource Protection Division of SAWS.
5. Landscaped areas shall be sensitive to minimizing water needs, i.e., use of native plants. Each purchaser of an individual lot or tenant within this development shall be informed by the seller or lessor in writing about Best Management Practices (BMP) for pesticide and fertilizer application. Preventing Groundwater Pollution, A Practical Guide to Pest Control, available from the Edwards Aquifer Authority (210/222-2204), or equivalent information produced by the U.S. Natural Resource Conservation Service, Texas Department of Agriculture, U.S. Department of Agriculture, shall be used.
6. The applicant shall notify the Construction Compliance Section of the Resource Compliance Division of SAWS at (210) 704-1158 no later than 48 hours prior to the commencement of construction at the site. If any significant geologic features such as, but not limited to, solution openings, caves, sinkholes, or wells are found during the excavation, construction, or blasting, the developer shall notify the Texas Commission on Environmental Quality at (210) 490-3096 and the Resource Protection Division of the San Antonio Water System at (210) 704-7305.

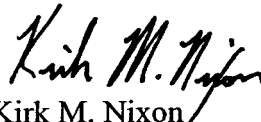
7. If any sensitive geologic features such as, but not limited to, solution openings, caves, sinkholes, or wells are found during the excavation, construction, or blasting, the developer shall notify the Texas Commission on Environmental Quality at (210) 490-3096 and the Resource Protection Division of the San Antonio Water System at (210) 704-7305.

General

1. Prior to the release of any building permits the owner/operator of any Category 2 property shall submit an Aquifer Protection Plan to the Resource Protection Division of the San Antonio Water System.
2. Prior to the release of any building permits, the following shall be submitted to the SAWS Aquifer Protection & Evaluation Section of the Resource Protection Division:
 - A. A copy of the Water Pollution Abatement Plan (WPAP) shall be submitted for each particular development/use within the area being considered for re-zoning,
 - B. A set of site specific plans which must have a signed Engineers Seal from the State of Texas,
 - C. A WPAP approval letter from the Texas Commission on Environmental Quality (TCEQ),
 - D. A copy of the approved Water Pollution Abatement Plan.
3. The storage, handling, use and disposal of all over the counter hazardous materials within this development shall be consistent with the labeling of those materials. Failure to comply with the label warnings may constitute a violation of Federal law.
4. If a water quality basin is constructed on the property, the following is required:
 - A. Prior to the start of the basin construction, the owner will notify the Aquifer Protection and Evaluation Section of the San Antonio Water System at (210) 704-7305 to schedule a site inspection.
 - B. After basin construction is complete and prior to the start of business, the owner will notify the SAWS Aquifer Protection and Evaluation Section at (210) 704-7305 to schedule a site inspection. Additionally, we recommend a maintenance plan and schedule be developed and submitted to SAWS Aquifer Protection and Evaluation Section.
 - D. If the basin fails to drain properly, the owner will notify the Construction Section of the Resource Compliance Division at (210) 704-1158 prior to any discharge of water.

- E. If at any time the ownership of the property changes, the seller must inform the buyer of all requirements for maintenance of the Basin. A signed basin maintenance plan and schedule agreement, from the new owner, must be submitted to the Resource Protection Division of SAWS.
5. The City of San Antonio shall inspect all future construction of the sewage collection system to include service laterals and sewer mains for proper construction according to State and City Regulations and Code.
6. The Resource Protection Division staff shall have the authority to inspect the site to ensure that the approved recommendations are being strictly adhered to during and after construction of the project.

Based on the site evaluation of the property, and the information submitted by the applicant, staff recommends **approval** of the proposed land use. Additionally, SAWS staff recommends that the applicant, or any future owner, comply with the above recommendations in regards to the development of the subject property.



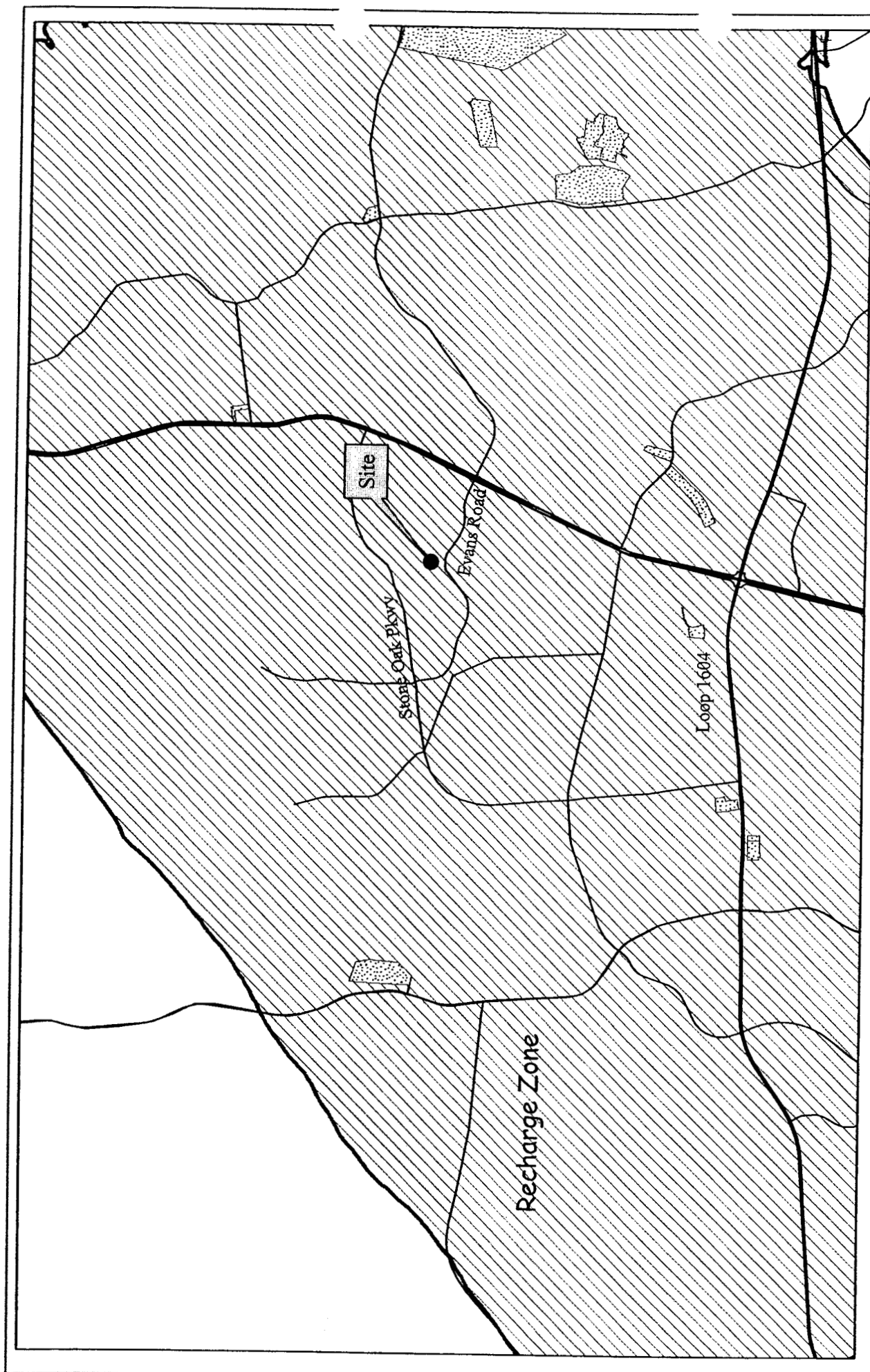
Kirk M. Nixon
Manager
Resource Protection Division

APPROVED:



Scott R. Halty
Director,
Resource Protection & Compliance Department

KMN:MJB



Zoning Case No. Z2005231 Figure 1

Multi - Family (Big Spring)

Map Page 483 B6

X=2137685 Y=13780979

Map Prepared by Aquifer Protection and Evaluation MJB 9/15/2005



1:61,201



Zoning Case No. Z2005231 Figure 2

Multi - Family (Big Spring)

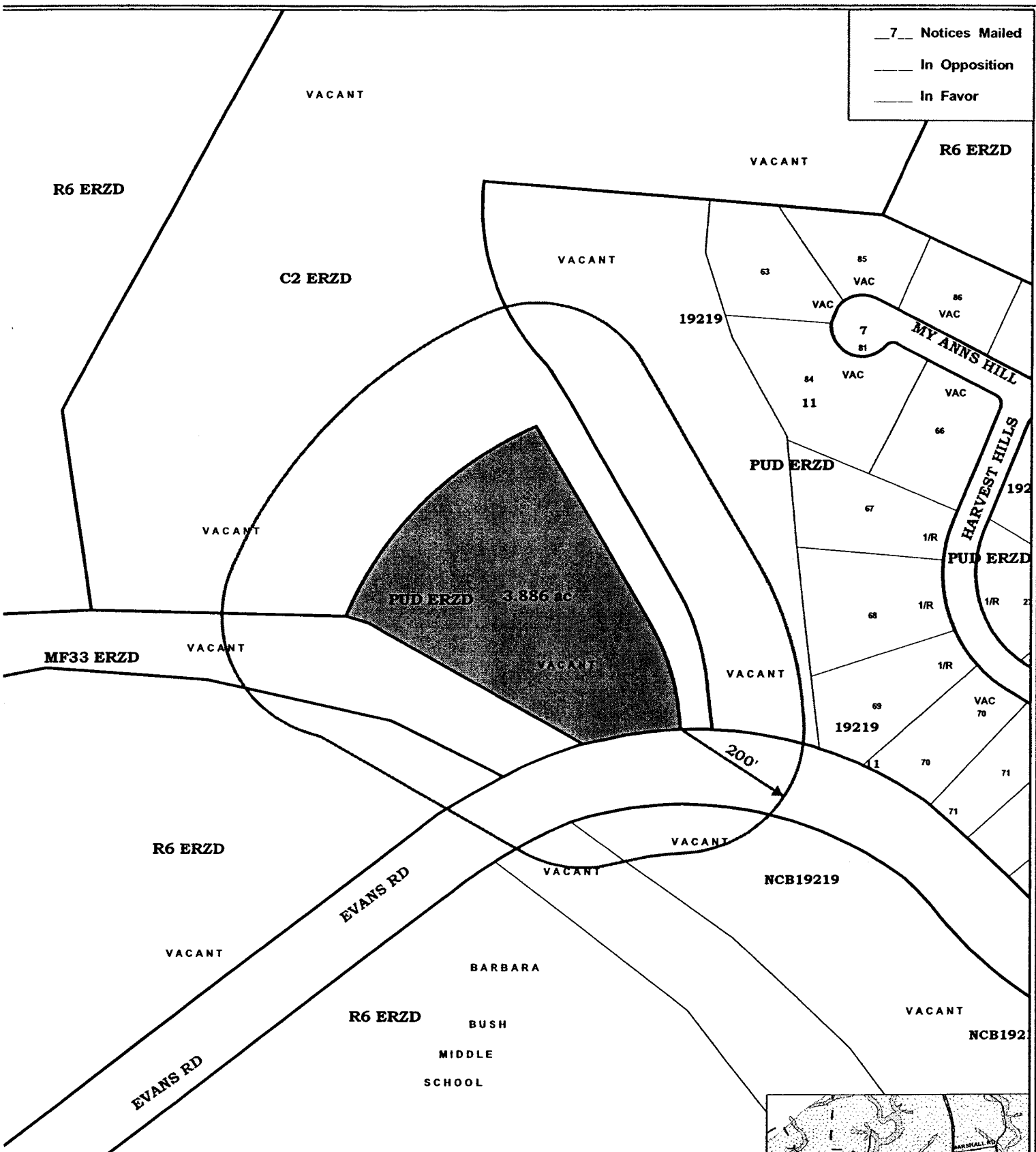
Map Page 483 B6

X=2137685 Y=13780979

Map Prepared by Aquifer Protection and Evaluation MJB 9/15/2005



1:7,648



ZONING CASE: Z2005-231

City Council District No. 9
 Requested Zoning Change
 From PUD "R-6 ERZD" To "MF-33 ERZD"
 Date: February 09, 2006
 Scale: 1" = 200'

- Subject Property
- 200' Notification

